



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1

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Order Filed on June 25, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

Gary W. Marker and
Jan W. Roman-Marker,

Debtors.

Case No. 15-15303

Chapter 13

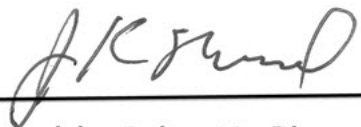
Honorable John K. Sherwood

Hearing Date: May 28, 2020
10:00 a.m.

**ORDER HOLDING
THE STATE OF NEW JERSEY DEPARTMENT OF LABOR
IN WILLFUL VIOLATION OF THE AUTOMATIC STAY**

The relief set forth on the following page, numbered three
(3) is hereby **ORDERED**.

DATED: June 25, 2020



Honorable John K. Sherwood
United States Bankruptcy Court

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Debtors: Gary W. Marker and Jan W. Roman-Marker
Case No.: 15-15303 (JKS)
Caption of Order: ORDER HOLDING THE STATE OF NEW JERSEY
DEPARTMENT OF LABOR IN WILLFUL VIOLATION OF
THE AUTOMATIC STAY

This matter being opened to the Court upon the application by AST & SCHMIDT, P.C., attorneys for debtors, Gary W. Marker and Jan W. Roman-Marker ("Debtors"), for entry of an order holding the State of New Jersey Department of Labor (hereafter "LWD") in willful violation of the automatic stay; and notice having been given to LWD, the New Jersey Attorney General and the standing Chapter 13 Trustee ("Trustee"); and for cause shown;

It is hereby:

ORDERED, that the State of New Jersey, Department of Labor (hereafter "LWD") is held in willful violation of the automatic stay by applying the current unemployment benefits of debtor, Jan W. Roman-Marker, accruing in March 2020 and thereafter as against a pre-petition claim; and it is further

ORDERED, that LWD shall pay to debtor, Jan W. Roman-Marker, all unemployment benefits that she is entitled to as a result of her application for benefits on March 22, 2020 and accruing thereafter to the date of the within Order within ten (10) days from the date of this Order; and it is further

ORDERED, that LWD shall make timely payments of unemployment benefits accruing to debtor, Jan W. Roman-Marker, after the date of this Order without any further attempts to setoff those benefits as against any pre-petition claim; and it is further

ORDERED, that LWD shall make such entries into its financial records and software programs to properly reflect that any pre-petition debt of Jan W. Roman-Marker is included within the subject bankruptcy proceeding and LWD shall not setoff any current benefits based upon such pre-petition claim; and it is further

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ORDERED, that in the event that LWD does not make payment of the benefits accruing between March 2020 and the date of the service of this Order on LWD and the NJ Attorney General, within twenty (20) days of said service, LWD shall pay to debtors a late charge of \$100 per week and debtors' counsel may apply for the full amount of its attorneys' fees and costs; and it is further

ORDERED, that LWD shall pay to debtors' counsel reasonable attorneys' fees and costs of \$500 within twenty (20) days from the service of this Order on LWD and the NJ Attorney General; and it further

ORDERED, that a copy of this Order shall be served upon LWD, the New Jersey Attorney General and the Chapter 13 Trustee within three (3) days from entry thereof.